REMARKS/ARGUMENTS

Upon entry of the above amendment, claims 17, 29 and 32 will have been amended for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant thanks the Examiner for the detailed Official Action he provided.

Turning to the merits of the action, the Examiner rejected claims 17, 23, 25, 29, 30 and 31 under 35 U.S.C. § 112, first paragraph, as based on a disclosure which is not enabling.

In this regard, the Examiner asserts in the outstanding Official Action mailed on October 19, 2005 that the newly added matter "without accessing the monitoring apparatus" is not found in the specification. In this regard, the Examiner asserts that Applicant states that this limitation MAY BE supported by the application. Applicant submits that the Examiner has misconstrued Applicant's remarks. Applicant did not state that the feature added to the claims in the prior amendment may be supported by the specification. Rather, Applicant argued that support for the feature may be (e.g., is) found in Applicant's specification, and then proceeded to refer the Examiner to paragraphs [0057], [0059] and [0060] of the specification for this position. Thus, Applicant positively asserted that the claimed feature is disclosed in the specification as opposed to the Examiner's position that Applicant merely indicated that one might be able to find support in the specification.

Applicant submits that, for example, paragraph [0057] of the specification states that the sender terminal 50, during standby (ST1601), upon receiving the abnormality notification mail from the receiver terminal 40 (ST1602), checks whether the notification message includes abnormal condition (ST 1603). Paragraph [0059] of the specification states that in accordance with the content of the notification, the status information 67 of the one-touch button/speed dial number registration table 64 is set (ST1610), and control returns to standby (ST1601). Paragraph [0060] of the specification states that when an operation for designating a transmission destination is started during standby of ST 1601 (ST1611), the sender terminal 50 determines whether one of the one-touch buttons/speed dial numbers is used at ST 1701, and if the answer is "YES", it is determined whether the status information of the one-touch button/speed dial number registration table 64 indicates an abnormal condition (ST 1703). Applicant submits that at least these recitation portions indicate that the transmitting apparatus checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Thus, Applicant submits that the newly added matter "without accessing the monitoring apparatus" is fully supported by the specification.

In this regard, the Examiner asserts in the outstanding Official Action mailed on March 10, 2006 that "it is unclear how the cited portions of the specifications disclose this limitation, in addition, it is unclear how the memory is checked without accessing the monitoring apparatus when the data in the memory is the data received from the monitoring apparatus." In response to the Examiner's argument, Applicant submits

that when the transmitting apparatus receives status information of the receiving apparatus from the monitoring apparatus, the program execution illustrated in Fig.16 proceeds from ST 1601 through ST 1602 to ST 1610. Paragraphs [0057]-[0059] corresponds to ST 1062 to ST 1610 of Fig.16. On the other hand, Applicant submits that when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, the flowchart goes from ST 1601 of Fig.16 through ST 1611 of Fig.16 to ST 1701 shown in Fig.17, which illustrates a transmission operation. Paragraphs [0060] to [0062] correspond to ST 1601 and ST 1611 shown in Fig.16 and Fig.17. In other words, when the transmitting apparatus receives, from the monitoring apparatus, status information of the receiving apparatus, the monitoring apparatus accesses (transmits to) the transmitting apparatus (ST 1602 to ST 1610). However, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, the transmitting apparatus checks the status information of the receiving apparatus stored in the memory without having to access the monitoring apparatus, since the status information of the receiving apparatus has already (previously) been stored in the memory of the transmitting apparatus (ST 1601 and ST 1611). Further, Applicant submits that the transmitting apparatus can check the status information of the receiving apparatus stored in the memory of the transmitting apparatus without having to access the monitoring apparatus, since the memory is a component of the transmitting apparatus.

Thus, Applicant submits that these recitation portions mean that a transmitting apparatus determines the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when

destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Thus, Applicant submits that the phrase "without accessing the monitoring apparatus" is fully supported by the specification.

Therefore, in view of the above remarks, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 112, first paragraph rejection of claims 17, 23, 25, 29, 30 and 31.

The Examiner rejected claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C § 102(e) as being anticipated by MUKAIYAMA et al. (U.S. Patent No. 6,631,407). The Examiner rejected claims 22, 25, 27, 28 and 32 under 35 U.S.C § 103(a) as being unpatentable over MUKAIYAMA et al. in view of AMIT et al. (U.S. Patent No. 6,259,538). Applicant respectfully traverses both grounds of rejection.

Initially, Applicant notes that claim 21 was canceled in the Response filed on June 29, 2005. Thus, Applicant submits it if not necessary to discuss the appropriateness of the 35 U.S.C. § 102(e) rejection with respect to this claim.

As noted above, Applicant has amended claims 17, 29 and 32 for the Examiner's re-consideration. Applicant respectfully traverses the above rejections based on the pending claims, and will discuss the rejection with respect to the pending claims in the present application, as will be set forth hereinbelow. The amended claims merely clarify the subject matter recited in the rejected claims, but do not narrow the scope of the claims.

Applicant's invention, as defined by the claims, generally relates to a transmitting apparatus which communicates with a receiving apparatus. According to the present invention, the receiving apparatus exchanges data with a monitor apparatus that

monitors a status of the receiving apparatus. The transmitting apparatus comprises a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further comprises a controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies a user of the transmitting apparatus of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

With respect to the rejection of claims 17-21, 23, 24, 26, and 29-31 under 35 U.S.C. § 102(e), Applicant submits that MUKAIYAMA et al. relates to a device management system in which, when printing device 10 detects a change of its own status, printing device 10 transmits, to management server 20, an SNMP trap message indicating that such a status change has occurred. Management server 20 transmits, to client device 30, a packet notifying of the status change. Client device 30 transmits a screen data request to management server 20. Management server 20 retrieves, from MIB database 150, various values corresponding to selected printing device 10 and transmits the retrieved values to client device 30.

Applicant submits that MUKAIYAMA et al. fails to disclose (or even suggest) a transmitting apparatus in which a memory is configured to store status information of the receiving apparatus.

In this regard, the Examiner argues that MUKAIYAMA et al. discloses that after a request is sent to a management server (monitoring apparatus) by a client to check the status of the network devices, a response is sent back to the client showing the status of the network devices, where the status of the devices are stored and displayed on the client device, and therefore, MUKAIYAMA et al. meets the scope claimed limitation.

Applicant respectfully traverses the Examiner's assertion, submitting that MUKAIYAMA et al. do not disclose a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Rather, Applicant submits that, in MUKAIYAMA et al., client device 10 access management server 20 to transmit the device-detailed screen request when a user of the client device 30 selects the printing device 10 in the device list page for monitoring the operation status of the printing device 10 (see, for example, col. 5 lines 35-54 and col. 9, lines 48-57). This differs from Applicant's claimed invention.

On the other hand, the present invention is directed to a transmitting machine which comprises a memory configured to store status information of the receiving apparatus. The transmitting apparatus checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus and notifies, to a user of the transmitting machine, the status information of a receiving machine prior to (e.g., before) transmitting the transmitting data to the receiving machine. As a result, the

user of the transmitting machine of the present invention, for example, avoids transmitting the transmitting data to a receiving machine which can not receive the transmitting data. Applicant submits that MUKAIYAMA et al. does not contain any disclosure about at least this feature of the present invention, nor is at least this feature suggested by the applied art. Thus, Applicant submits that the present invention is clearly distinguished over MUKAIYAMA et al.

In this regard, the Examiner previously asserted in the Official Action of October 19, 2005 that MUKAIYAMA discloses a control panel that enable the user to check the status of a printing device (col. 6, lines 8-26). Applicant argued that this recitation portion explains Fig.3, which relates to the printer device 10, and thus the control panel 120 is a component of the printer device 10. In MUKAIYAMA, the client device 30 checks the status of the printing device 10.

On the other hand, Applicant submits that the present invention relates to a transmitting apparatus that checks the status information of the receiving apparatus, and thus, the client device 30 of MUKAIYAMA is associated with the transmitting apparatus of the present invention. Thus, Applicant submits that the recitation portion (col. 6, lines 8-26) does not contain any disclosure regarding the combination of features recited in the currently pending claims.

Applicant further submits that the Examiner is mistaken by asserting that MUKAIYAMA discloses that "after a request is sent to the management server (monitoring apparatus) by the client to check the status of the network devices, a response is sent back to the client showing the status of the network devices" means

that the client accesses management apparatus (the monitoring apparatus) to check the status information of the network device.

In the present invention, when the transmitting apparatus receives, from the monitoring apparatus, status information of the receiving apparatus, the monitoring apparatus accesses (transmits to) the transmitting apparatus (ST 1602 to ST 1610). However, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, the transmitting apparatus checks the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus (ST 1601 and ST 1611).

In view of the above, Applicant submits that MUKAIYAMA does not disclose a transmitting apparatus that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without having to access the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. § 102 rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 22, 25, 27, 28 and 32 under 35 U.S.C. § 103(a), Applicant submits that AMIT et al. fails to disclose that which is lacking in MUKAIYAMA et al. AMIT et al. is directed to a facsimile gateway that receives facsimile messages from originating fax machine 22A via conventional PSTN 30, processes the facsimile messages to provide data that is sent to packet-based network 26, and routes the data over the packet-based network 26.

Applicant submits that claims 22, 25, 27, 28 and 32 are directed to an Internet facsimile apparatus. Applicant further submits that AMIT et al. merely discloses an originating facsimile machine 22A and receiving facsimile machine 22B which communicate over conventional PSTN 24 and 30. Applicant submits merely a conventional facsimile machine is disclosed by AMIT et al., and not an Internet facsimile apparatus, as taught in Applicant's claimed invention.

Further, Applicant submits that AMIT et al. merely discloses a facsimile gateway 20A that is connected to a conventional PSTN 30 and packet-based network 26, and which converts facsimile messages that are received from the conventional PSTN 30 into data that is sent to the packet-based network 26.

Applicant submits that the facsimile gateway 20 A of AMIT et al. is not an Internet facsimile apparatus, but merely a gateway which is connected to a facsimile machine via conventional PSTN 24. Thus, Applicant submits that AMIT et al. does not disclose (or suggest) an Internet facsimile apparatus, as taught by Applicant's invention.

In this regard, the Examiner asserts in the Official Action mailed on March 10, 2006 that "AMIT discloses a fax can be sent using the Internet since the Internet provides more efficient data transmission by subdividing the data stream into blocks of data (see AMIT col. 1, lines 27-41)". Applicant submits that the recitation portion merely explains disadvantages of the PSTN and advantages of the Internet. Applicant submits that AMIT et al. does not disclose (or suggest) an Internet facsimile apparatus, as taught by Applicant's invention.

Furthermore, Applicant submits that AMIT et al. do not disclose a transmitting apparatus which comprises a memory configured to store status information of the

receiving apparatus. AMIT et al. also does not disclose a transmitting apparatus which checks the status information of the receiving apparatus stored in the memory when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. AMIT et al. also does not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document. Thus, Applicant submit that AMIT et al. fails to disclose that which is lacking in MUKAIYAMA et al.

Accordingly, Applicant submits that even if one attempted to combine the teaching of MUKAIYAMA et al. with AMIT et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus which stores status information of the receiving apparatus, checking the status information of the receiving apparatus stored in the memory without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifying the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of transmitting data to the receiving apparatus.

Therefore, Applicant submits that the suggested combination of MUKAIYAMA et al. and AMIT et al. does not render the presently claimed invention obvious, and thus, respectfully requests that the 35 U.S.C. § 103(a) rejection be withdrawn.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application in due course.

Further, Applicant asserts that the amendment to the claims does not raise new issues that require the Examiner to conduct an additional search. The present amendment has merely more clearly defined the present claimed invention. Thus, entry of the present amendment is respectfully requested.

SUMMARY AND CONCLUSION

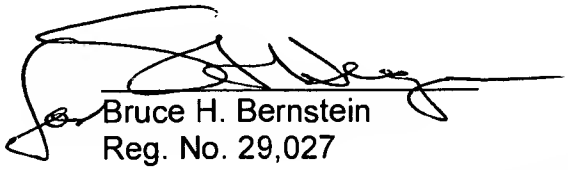
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has amended the rejected claims for re-consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the pending claims with the disclosures of the references. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Takefumi WAKABAYASHI



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

April 5, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191